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Location: meet.google.com/reo-mzjz-nqy

Date/Time: Friday, September 25, 1pm

Minutes

- Introductions - Judge Cox (Chair)

Restitution is a key issue and pain point for victims in our criminal justice system

There have been several attempts over the years to address restitution, hopefully this workgroup can help advance some sustainable solutions

- Relevant Law (Russell Butler)

Maryland law is strong, the issue is following the law. 'Victims have presumptive right to restitution' - what does that mean?

If the victim or state requests restitution, they have that right, but must present evidence that it should be ordered. In two exceptions the court may not order: exigent circumstances or ability to pay. Exigent circumstances generally involve some victim culpability.

Victims can request restitution on their own even if the state does not request it. Victims need to know their rights and attorneys should help educate them.

If the court orders restitution, it is a condition of probation, parole, work release, other supervision. Justice Reinvestment Act changes allowed inmate earnings to be withheld to satisfy orders. JRA also mandated training and incorporation of restitution into case plans.

Clerks have an important function and need to forward judgements to local detention, state corrections, parole commission, etc.

Two primary collection agencies are DPP and DJS. If there is no longer probation, restitution goes to the Central Collection Unit (CCU). If the defendant becomes 'overdue' it can then be



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forwarded to CCU. DPP sets up a schedule to end 3 months before the probation period and the court can order payment plans.

Restitution is also a civil order and may be collected similar to any civil judgement through earning withholding orders, like Child Support. Failure to pay can be a VOP and contempt of court.

In Baltimore City, it is automatically enrolled but the victim needs to request recordation in other jurisdictions.

A primary challenge seems to be technical but there are IT solutions available.

- Central Collections Unit Overview (Anthony Fugett)

CCU presentation will be on the agenda for next meeting

- DPSCS Overview

DOC (Patrica Stevens) - The unit is being realigned so it is not clear where DOC stands. Previously, had to keep restitution information and collection within the DOC. There is a need for training and a plan to collect. Unit is just 3 people and already overwhelmed with other duties.

DPSCS will follow up for additional DOC contacts.

DPP (Karen Darby) - There are not many offenders who are able to pay restitution so most cases are closed and forwarded to CCU without victim notification. Have not seen many cases where restitution is paid in full.

What the unit does: When we see order, we verify through case search and documents. A challenge is locating and verifying victim information. This requires searching for records through MVA, the courts and other sources. Some money goes unclaimed for years. In addition, some orders are not clear and communication needs improvement. If the offender is not employed, behind, in 90 days the court is notified.



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Lisa Nixon (DPP) - We have points of contact in different counties collecting funds while in local detention. Collections currently suspended due to Covid but Montgomery County has been most consistent.

Tia Brunson (DPP) - DPP has a restitution recovery unit for past restitution.

Judge Cox inquired about IT and plans to help make meaningful restitution plans.

DPP has training on collections and accounting as well as in service training opportunities. The payment plans are based on the orders from the court and the total is simply divided by the number of months the offender has to pay.

Rusell asks if DPP tracks the number and types of orders and noted that the old system only accepted money orders.

Walter Nolley (DPP) - This is not automatically tracked and would not be feasible to manually pull records. With 55,000 under supervision, it would be a heavy lift for the office. DPP is in the process of putting out an RFP for a replacement system that will accept multiple forms of payment and include a user portal for people to track balances.

Judge Cox noted that smaller amounts are not all paid through DPP, sometimes courts and state's attorney's offices handle these if it can be easily done. So just looking at DPP data is misleading. What other databases are involved in this? What exists and what is possible?

Heather noted that we should invite DJS to participate in the workgroup as well.

- Restitution Report (Heather Amador)

An overview of the Report will be on next meeting's agenda

- Next Steps



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Discussion of presentations at future meetings to continue providing background information and answering questions from workgroup members.

The next meeting will be on a Friday in November.